

(B) specifies any purposes for which the funds were obligated or expended; and

(C) includes any other information that the Secretary may require to more effectively administer the grant program.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection \$2,000,000 for each of fiscal years 2022 through 2026.

(C) **PRESERVATION OF HISTORIC CONFINEMENT SITES.**—

(1) **SUNSET.**—Section 1 of Public Law 109-441 (120 Stat. 3288) is amended by striking subsection (e).

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 4 of Public Law 109-441 (120 Stat. 3290) is amended, in the first sentence—

(A) by striking “are authorized” and inserting “is authorized”; and

(B) by inserting “for fiscal year 2022 and each fiscal year thereafter” after “this Act”.

SA 4466. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REFORM AND OVERSIGHT OF DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES.

(a) **IN GENERAL.**—Section 2576a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “subsection (b)” and inserting “the provisions of this section”; and

(B) by adding at the end the following:

“(3) The Secretary may transfer non-controlled property to nonprofit organizations involved in humanitarian response or first responder activities.”;

(2) in subsection (b)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(7) the recipient, on an annual basis, certifies that if the recipient determines that the property is surplus to the needs of the recipient, the recipient will return the property to the Department of Defense;

“(8) the recipient submits to the Department of Defense a description of how the recipient expects to use the property;

“(9) with respect to a recipient that is not a Federal agency, the recipient certifies to the Department of Defense that the recipient notified the local community of the request for property under this section by—

“(A) publishing a notice of such request on a publicly accessible internet website;

“(B) posting such notice at several prominent locations in the jurisdiction of the recipient; and

“(C) ensuring that such notices were available to the local community for a period of not less than 30 days;

“(10) with respect to a recipient that is not a Federal agency, the recipient submits to the Department of Defense a description of

the training courses or certifications required for use of transferred property;

“(11) with respect to a recipient that is a local law enforcement agency, the recipient has received the approval of the city council or other local governing body to acquire the property sought under this section; and

“(12) with respect to a recipient that is a State law enforcement agency, the recipient has received the approval of the appropriate state governing body to acquire the property sought under this section.”;

(3) in subsection (e), by adding at the end the following:

“(5) Grenades launchers.

“(6) Explosives.

“(7) Firearms of .50 caliber or higher and ammunition of 0.5 caliber or higher.

“(8) Asphyxiating gases, including those comprised of lachrymatory agents, and analogous liquids, materials or devices.

“(9) Items in the Federal Supply Class of banned items.”;

(4) by striking subsections (f) and (g) and inserting the following:

“(f) **LIMITATIONS ON TRANSFERS.**—(1) The transfers prohibited under subsection (e) shall also apply with respect to the transfer of previously transferred property of the Department of Defense from a Federal or State agency to another such agency.

“(2) The Secretary shall require that equipment transferred under this section shall be returned upon a finding that the equipment has been used to conduct actions against residents of the United States that infringe upon the rights of the residents under the First Amendment to the Constitution of the United States to assemble peaceably or to petition the Government for redress of grievances.

“(3) The Secretary shall prohibit the transfer of equipment to a Federal or State agency for a period of 5 years upon a finding that equipment transferred under this section to the Federal or State agency has been used to conduct actions against United States residents that infringe upon the rights of the residents under the First Amendment to the Constitution of the United States to assemble peaceably or to petition the Government for redress of grievances.

“(g) **ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.**—(1) For each fiscal year, the Secretary shall submit to Congress certification in writing that each Federal or State agency to which the Secretary has transferred personal property under this section—

“(A) has provided to the Secretary documentation accounting for all controlled property, including arms and ammunition, that the Secretary has transferred to the agency, including any item described in subsection (e) so transferred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022; and

“(B) with respect to a non-Federal agency, carried out each of paragraphs (5) through (9) of subsection (b).

“(2) If the Secretary cannot provide a certification under paragraph (1) for a Federal or State agency, the Secretary may not transfer additional property to that agency under this section.

“(h) **ANNUAL REPORT ON EXCESS PROPERTY.**—The Secretary shall submit to Congress each year, before making any personal property available for transfer under this section in that year, report setting forth a description of the property to be transferred, together with a certification that the transfer of the property would not violate this section or any other provision of law.

“(i) **CONDITIONS FOR EXTENSION OF PROGRAM.**—Notwithstanding any other provision of law, amounts authorized to be appropriated or otherwise made available for any

fiscal year may not be obligated or expended to carry out this section unless the Secretary submits to the appropriate committees of Congress a certification, for the preceding fiscal year, that—

“(1) each recipient agency that has received personal property under this section has—

“(A) demonstrated full and complete accountability for all such property, in accordance with paragraph (2) or (3), as applicable; or

“(B) been suspended or terminated from the program pursuant to paragraph (4);

“(2) with respect to each non-Federal agency that has received property under this section, the State Coordinator responsible for each such agency has verified that the State Coordinator or an agent of the State Coordinator has conducted an in-person inventory of the property transferred to the agency and that all such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4);

“(3) with respect to each Federal agency that has received property under this section, the Secretary or an agent of the Secretary has conducted an in-person inventory of the property transferred to the agency and that all such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4);

“(4) the eligibility of any agency that has received property under this section for which all of such property was not accounted for during an inventory described in paragraph (2) or (3), as applicable, to receive property transferred under this section has been suspended or terminated;

“(5) each State Coordinator has certified, for each non-Federal agency located in the State for which the State Coordinator is responsible that—

“(A) the agency has complied with all requirements under this section; or

“(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated; and

“(6) the Secretary has certified, for each Federal agency that has received property under this section that—

“(A) the agency has complied with all requirements under this section; or

“(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated.

“(j) **APPROVAL BY LAW REQUIRED FOR TRANSFER OF PROPERTY NOT PREVIOUSLY TRANSFERRABLE.**—(1) In the event the Secretary proposes to make available for transfer under this section any personal property of the Department of Defense not previously made available for transfer under this section, the Secretary shall submit to the appropriate committees of Congress a report setting forth the following:

“(A) A description of the property proposed to be made available for transfer.

“(B) A description of the conditions, if any, to be imposed on use of the property after transfer.

“(C) A certification that transfer of the property would not violate a provision of this section or any other provision of law.

“(2) The Secretary may not transfer any property covered by a report under this subsection unless authorized by a law enacted by Congress after the date of the receipt of the report by Congress.

“(k) **ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.**—(1) The Secretary shall submit to the appropriate committees of Congress each year a certification in writing that each recipient to which the Secretary has transferred personal property

under this section during the preceding fiscal year—

“(A) has provided to the Secretary documentation accounting for all property the Secretary has previously transferred to such recipient under this section; and

“(B) has complied with paragraphs (5) and (6) of subsection (b) with respect to the property so transferred during such fiscal year.

“(2) If the Secretary cannot provide a certification under paragraph (1) for a recipient, the Secretary may not transfer additional property to such recipient under this section, effective as of the date on which the Secretary would otherwise make the certification under this subsection, and such recipient shall be suspended or terminated from further receipt of property under this section.

“(1) QUARTERLY REPORTS ON USE OF CONTROLLED EQUIPMENT.—Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to Congress a report on any uses of controlled property transferred under this section during that fiscal quarter.

“(m) REPORTS TO CONGRESS.—Not later than 30 days after the last day of a fiscal year, the Secretary shall submit to Congress a report on the following for the preceding fiscal year:

“(1) The percentage of equipment lost by recipients of property transferred under this section, including specific information about the type of property lost, the monetary value of such property, and the recipient that lost the property.

“(2) The transfer of any new (condition code A) property transferred under this section, including specific information about the type of property, the recipient of the property, the monetary value of each item of the property, and the total monetary value of all such property transferred during the fiscal year.

“(n) PUBLICLY ACCESSIBLE WEBSITE ON TRANSFERRED CONTROLLED PROPERTY.—(1) The Secretary shall create and maintain a publicly available internet website that provides information on the controlled property transferred under this section and the recipients of such property.

“(2) The contents of the internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the request, transfer, denial, and repossession of controlled property under this section, including—

“(A) a current inventory of all controlled property transferred to Federal and State agencies under this section, listed by—

“(i) the name of the Federal agency, or the State, county, and recipient agency;

“(ii) the item name, item type, and item model;

“(iii) the date on which such property was transferred; and

“(iv) the current status of such item;

“(B) all pending requests for transfers of controlled property under this section, including the information submitted by the Federal and State agencies requesting such transfers;

“(C) a list of each agency suspended or terminated from further receipt of property under this section, including any State, county, or local agency, and the reason for and duration of such suspension or termination; and

“(D) all reports required to be submitted to the Secretary under this section by Federal and State agencies that receive controlled property under this section.

“(3) The Secretary shall update on a quarterly basis the contents of the internet website required under paragraph (1), on which the contents of the Internet website described in paragraph (2) shall be made publicly available in a searchable format.

“(o) DEFINITIONS.—In this section:

“(1) The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

“(2) The term ‘agent of a State Coordinator’ means any individual to whom a State Coordinator formally delegates responsibilities for the duties of the State Coordinator to conduct inventories described in subsection (i)(2).

“(3) The term ‘controlled property’ means any item assigned a demilitarization code of B, C, D, E, G, or Q under Department of Defense Manual 4160.21-M, ‘Defense Materiel Disposition Manual’, or any successor document.

“(4) The term ‘State Coordinator’, with respect to a State, means the individual appointed by the governor of the State to maintain property accountability records and oversee property use by the State.”.

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) INTERAGENCY LAW ENFORCEMENT EQUIPMENT WORKING GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall establish an interagency Law Enforcement Equipment Working Group (referred to in this subsection as the “Working Group”) to support oversight and policy development functions for controlled equipment programs.

(2) PURPOSE.—The Working Group shall—

(A) examine and evaluate the Controlled and Prohibited Equipment Lists for possible additions or deletions;

(B) track law enforcement agency controlled equipment inventory;

(C) ensure Government-wide criteria to evaluate requests for controlled equipment;

(D) ensure uniform standards for compliance reviews;

(E) harmonize Federal programs to ensure the programs have consistent and transparent policies with respect to the acquisition of controlled equipment by law enforcement agencies;

(F) require after-action analysis reports for significant incidents involving Federally provided or Federally funded controlled equipment;

(G) develop policies to ensure that law enforcement agencies abide by any limitations or affirmative obligations imposed on the acquisition of controlled equipment or receipt of funds to purchase controlled equipment from the Federal Government and the obligations resulting from receipt of Federal financial assistance;

(H) require State and local governing body to review and authorize a law enforcement agency's request for or acquisition of controlled equipment;

(I) require that law enforcement agencies participating in Federal controlled equipment programs receive necessary training regarding appropriate use of controlled equipment and the implementation of obligations resulting from receipt of Federal financial assistance, including training on the protection of civil rights and civil liberties;

(J) provide uniform standards for suspending law enforcement agencies from Federal controlled equipment programs for specified violations of law, including civil rights laws, and ensuring those standards are implemented consistently across agencies; and

(K) create a process to monitor the sale or transfer of controlled equipment from the Federal Government or controlled equip-

ment purchased with funds from the Federal Government by law enforcement agencies to third parties.

(3) COMPOSITION.—

(A) IN GENERAL.—The Working Group shall be co-chaired by the Secretary of Defense, the Attorney General, and the Secretary of Homeland Security.

(B) MEMBERSHIP.—The Working Group shall be comprised of—

(i) representatives of interested parties, who are not Federal employees, including appropriate State, local, and Tribal officials, law enforcement organizations, civil rights and civil liberties organizations, and academics; and

(ii) the heads of such other agencies and offices as the Co-Chairs may, from time to time, designate.

(C) DESIGNATION.—A member of the Working Group described in subparagraph (A) or in subparagraph (B)(ii) may designate a senior-level official from the agency represented by the member to perform the day-to-day Working Group functions of the member, if the designated official is a full-time officer or employee of the Federal Government.

(D) SUBGROUPS.—At the direction of the Co-Chairs, the Working Group may establish subgroups consisting exclusively of Working Group members or their designees under this subsection, as appropriate.

(E) EXECUTIVE DIRECTOR.—

(i) IN GENERAL.—There shall be an Executive Director of the Working Group, to be appointed by the Attorney General.

(ii) RESPONSIBILITIES.—The Executive Director appointed under clause (i) shall determine the agenda of the Working Group, convene regular meetings, and supervise the work of the Working Group under the direction of the Co-Chairs.

(iii) FUNDING.—

(I) IN GENERAL.—To the extent permitted by law and using amounts already appropriated, the Secretary shall fund, and provide administrative support for, the Working Group.

(II) REQUIREMENT.—Each agency shall bear its own expenses for participating in the Working Group.

(F) COORDINATION WITH THE DEPARTMENT OF HOMELAND SECURITY.—In general, the Working Group shall coordinate with the Homeland Security Advisory Council of the Department of Homeland Security to identify areas of overlap or potential national preparedness implications of further changes to Federal controlled equipment programs.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) REPORT ON DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES.—

(1) APPROPRIATE RECIPIENTS DEFINED.—In this subsection, the term “appropriate recipients” means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense, in consultation with the Attorney General and the Secretary of Homeland Security, shall submit a report to the appropriate recipients.

(3) CONTENTS.—The report required under paragraph (2) shall contain—

(A) a review of the efficacy of the surplus equipment transfer program; and

(B) a determination of whether to recommend continuing or ending the program in the future.

SA 4467. Mr. SCHATZ (for himself, Mr. PORTMAN, Mr. ROUNDS, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . IMPROVING TRANSPARENCY AND ACCOUNTABILITY OF EDUCATIONAL INSTITUTIONS FOR PURPOSES OF VETERANS EDUCATIONAL ASSISTANCE.

(a) REQUIREMENT RELATING TO G.I. BILL COMPARISON TOOL.—

(1) REQUIREMENT TO MAINTAIN TOOL.—The Secretary of Veterans Affairs shall maintain the G.I. Bill Comparison Tool that was established pursuant to Executive Order 13607 (77 Fed. Reg. 25861; relating to establishing principles of excellence for educational institutions serving service members, veterans, spouses, and other family members) and in effect on the day before the date of the enactment of this Act, or successor tool, to provide relevant and timely information about programs of education approved under chapter 36 of title 38, United States Code, and the educational institutions that offer such programs.

(2) DATA RETENTION.—The Secretary shall ensure that historical data that is reported via the tool maintained under paragraph (1) remains easily and prominently accessible on the benefits.va.gov website, or successor website, for a period of not less than seven years from the date of initial publication.

(b) PROVIDING TIMELY AND RELEVANT EDUCATION INFORMATION TO VETERANS, MEMBERS OF THE ARMED FORCES, AND OTHER INDIVIDUALS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in coordination with the Secretary of Education, shall make such changes to the tool maintained under subsection (a) as the Secretary determines appropriate to ensure that such tool is an effective and efficient method for providing information pursuant to section 3698(b)(5) of title 38, United States Code.

(2) MODIFICATION OF SCOPE OF COMPREHENSIVE POLICY ON PROVIDING EDUCATION INFORMATION.—Section 3698 of title 38, United States Code, is amended—

(A) in subsection (a), by striking “veterans and members of the Armed Forces” and inserting “individuals entitled to educational assistance under laws administered by the Secretary of Veterans Affairs”; and

(B) in subsection (b)(5)—

(i) by striking “veterans and members of the Armed Forces” and inserting “individuals described in subsection (a)”; and

(ii) by striking “the veteran or member” and inserting “the individual”.

(3) G.I. BILL COMPARISON TOOL REQUIRED DISCLOSURES.—Paragraph (1) of subsection (c) of such section is amended—

(A) by striking subparagraph (B) and inserting the following:

“(B) for each individual described in subsection (a) seeking information provided under subsection (b)(5)—

“(i) the name of each Federal student aid program, and a description of each such program, from which the individual may receive educational assistance; and

“(ii) for each program named and described pursuant to clause (i), the amount of educational assistance that the individual may be eligible to receive under the program; and”; and

(B) in subparagraph (C)—

(i) in clause (i), by inserting “and a definition of each type of institution” before the semicolon;

(ii) by striking clause (v) and inserting the following:

“(v) the average total cost, the average tuition, the average cost of room and board, the average cost and the average fees to earn a certificate, and associate’s degree, a bachelor’s degree, a postdoctoral degree, and any other degree or credential the institution awards;”;

(iii) in clause (xii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following new clauses:

“(xiii) program, degree, and certificate completion rates, disaggregated by individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;

“(xiv) transfer-out rates, disaggregated by individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;

“(xv) credentials available and the average time for completion of each credential;

“(xvi) employment rate and median income of graduates of the institution in general, disaggregated by—

“(I) specific credential;

“(II) individuals who are veterans;

“(III) individuals who are members of the Armed Forces; and

“(IV) individuals who are neither veterans nor members of the Armed Forces;

“(xvii) percentage of individuals who received educational assistance under this title to pursue a program of education at the institution who did not earn a credential within six years of commencing such program of education;

“(xviii) the median amount of debt incurred from a Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) by an individual who pursued a program of education at the institution with educational assistance under this title, disaggregated by—

“(I) individuals who received a credential and individuals who did not; and

“(II) individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;

“(xix) whether the institution participates in Federal student aid programs, and if so, which programs;

“(xx) the average number of individuals enrolled in the institution per year, disaggregated by—

“(I) individuals who are veterans;

“(II) individuals who are members of the Armed Forces; and

“(III) individuals who are neither veterans nor members of the Armed Forces; and

“(xxi) a list of each civil settlement or finding resulting from a Federal or State action in a court of competent jurisdiction against the institution for violation of a pro-

vision of Federal or State law that materially affects the education provided at the institution or is the result of illicit activity, including deceptive marketing or misinformation provided to prospective students or current enrollees.”.

(4) CLARITY OF INFORMATION PROVIDED.—Paragraph (2) of such subsection is amended—

(A) by inserting “(A)” before “To the extent”; and

(B) by adding at the end the following new subparagraph:

“(B) The Secretary shall ensure that information provided under subsection (b)(5) is provided in a manner that is easy and accessible to individuals described in subsection (a), especially with respect to information described in paragraph (1)(C)(xxii).”.

(c) IMPROVEMENTS FOR STUDENT FEEDBACK.—

(1) IN GENERAL.—Subsection (b)(2) of such section is amended—

(A) by amending subparagraph (A) to read as follows:

“(A) providing institutions of higher learning up to 30-days to review and respond to any feedback and address issues regarding the feedback before the feedback is published”;;

(B) in subparagraph (B), by striking “; and” and inserting a semicolon;

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following new subparagraphs:

“(D) for each institution of higher learning that is approved under this chapter, retains, maintains, and publishes all of such feedback for the entire duration that the institution of higher is approved under this chapter; and

“(E) is easily accessible to individuals described in subsection (a) and to the general public...”.

(2) ACCESSIBILITY FROM G.I. BILL COMPARISON TOOL.—The Secretary shall ensure that—

(A) the feedback tracked and published under subsection (b)(2) of such section, as amended by paragraph (1), is prominently displayed in the tool maintained under subsection (a) of this section; and

(B) when such tool displays information for an institution of higher learning, the applicable feedback is also displayed for such institution of higher learning.

(d) TRAINING FOR PROVISION OF EDUCATION COUNSELING SERVICES.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall ensure that personnel employed or contracted by the Department of Veterans Affairs to provide education benefits counseling, vocational or transition assistance, or similar functions, including employees or contractors of the Department who provide such counseling or assistance as part of the Transition Assistance Program, are trained on how—

(A) to use properly the tool maintained under subsection (a); and

(B) to provide appropriate educational counseling services to veterans, members of the Armed Forces, and other individuals.

(2) TRANSITION ASSISTANCE PROGRAM DEFINED.—In this subsection, the term “Transition Assistance Program” means the program of counseling, information, and services under section 1142 of title 10, United States Code.

SEC. ____ . RESTORATION OF ENTITLEMENT TO VETERANS EDUCATIONAL ASSISTANCE AND OTHER RELIEF FOR VETERANS AFFECTED BY CIVIL ENFORCEMENT ACTIONS AGAINST EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—Section 3699(b)(1) of title 38, United States Code, is amended—